



MICHAEL W. DOBBINS
CLERK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
219 SOUTH DEARBORN STREET
CHICAGO, ILLINOIS 60604

312-435-5870

April 7, 2008

Mr. Gino J. Agnello, Clerk
U.S. Court of Appeals-Seventh Circuit
219 South Dearborn Street-Room 2722
Chicago, Illinois 60604

RE: Central States, Southeast and Southwest, vs. Active Transportation...

U.S.D.C. DOCKET NO. : 08cv228

U.S.C.A. DOCKET NO. : 08-1645

Dear Mr. Agnello:

Please find attached the original record on appeal consisting of the following:

VOLUME(S) OF PLEADING(S) **One Vol. Of Pleadings**

VOLUME(S) OF TRANSCRIPT(S)

VOLUME(S) OF DEPOSITION(S)

EXHIBITS:

OTHER (SPECIFY):

SPECIAL NOTE:

Please acknowledge date of receipt of the above mentioned materials on the attached copy of this letter.

Very truly yours,

Michael W. Dobbins, Clerk

By: _____
A. Rone, Deputy Clerk

I, MICHAEL W. DOBBINS, CLERK of the United States District Court for the Northern District of Illinois, do hereby certify to the United States Court of Appeals, for the Seventh Circuit, that the documents submitted herewith and annexed hereto are the original papers filed and entered of record in my office, on the dates in the List of Documents, and together with a true copy of docket entries as they appear in the official dockets in this office, consisting of:

One Vol. Of Pleadings

In the cause entitled: Central States, Southeast and Southwest vs. Active Transportation .

USDC NO. : 08cv228

USCA NO. : 08-1645

IN TESTIMONY WHEREOF, I hereunto subscribed my name
and affixed the seal of the aforesaid Court at Chicago, Illinois,
this 7th day of April, 2008.

MICHAEL W. DOBBINS, CLERK

By: _____
A. Rone, Deputy Clerk

APPEAL, BROWN

United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 3.1.3 (Chicago)
CIVIL DOCKET FOR CASE #: 1:08-cv-00228
Internal Use Only

Central States, Southeast and Southwest Areas Pension Fund et al
v. Active Transportation Company, LLC
Assigned to: Honorable John W. Darrah
Case in other court: 08-01645
Cause: 29:1145 E.R.I.S.A.
Date Filed: 01/10/2008
Jury Demand: None
Nature of Suit: 791 Labor: E.R.I.S.A.
Jurisdiction: Federal Question

Plaintiff

Central States, Southeast and Southwest Areas Pension Fund

represented by **Rebecca Kate McMahon**
Central States Law Department
9377 W. Higgins Rd.
Rosemont, IL 60018-4938
(847) 518-9800 ext 3441
Email: rmcMahon@centralstatesfunds.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Albert M. Madden
Central States Law Department
9377 W. Higgins Road
Rosemont, IL 60018-4938
(847) 518-9800, Ext. 3478
Email: amadden@centralstatesfunds.org
ATTORNEY TO BE NOTICED

Anthony E. Napoli
Central States Law Department
9377 W. Higgins Road
Rosemont, IL 60018-4938
(847) 518-9800, Ext. 3702
Email: tnapoli@centralstatesfunds.org

Timothy Craig Reuter
Central States Law Department
9377 W. Higgins Road
Rosemont, IL 60018-4938
(847) 518-9800, Ext. 3481
Email: treuter@centralstatesfunds.org
ATTORNEY TO BE NOTICED

Plaintiff

Howard McDougall
trustee

represented by **Rebecca Kate McMahon**
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Albert M. Madden
(See above for address)
ATTORNEY TO BE NOTICED

Anthony E. Napoli
(See above for address)
ATTORNEY TO BE NOTICED

Timothy Craig Reuter
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

**Central States, Southeast and Southwest
Areas Health and Welfare Fund**

represented by **Rebecca Kate McMahon**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Albert M. Madden
(See above for address)
ATTORNEY TO BE NOTICED

Anthony E. Napoli
(See above for address)
ATTORNEY TO BE NOTICED

Timothy Craig Reuter
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Active Transportation Company, LLC
a Kentucky limited liability corporation

represented by **Mark A. Casciari**
Seyfarth Shaw LLP
131 South Dearborn Street
Suite 2400
Chicago, IL 60603-5577
(312) 460-5000
Fax: (312) 460-7000
Email: mcasciari@seyfarth.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Meagan Christene Legear
Seyfarth Shaw LLP
131 South Dearborn Street
Suite 2400

Chicago, IL 60603-5577
 (312) 460-5000
 Fax: (312) 460-7000
 Email: mlegear@seyfarth.com
ATTORNEY TO BE NOTICED

Ronald J. Kramer
 Seyfarth Shaw LLP
 131 South Dearborn Street
 Suite 2400
 Chicago, IL 60603-5577
 (312) 460-5000
 Fax: (312) 460-7000
 Email: rkramer@seyfarth.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/10/2008	1	COMPLAINT filed by Central States, Southeast and Southwest Areas Health and Welfare Fund, Central States, Southeast and Southwest Areas Pension Fund, Howard McDougall; Filing fee \$ 350. (gmr,) (Entered: 01/11/2008)
01/10/2008	2	CIVIL Cover Sheet. (gmr,) (Entered: 01/11/2008)
01/10/2008	3	ATTORNEY Appearance for Plaintiffs Central States, Southeast and Southwest Areas Health and Welfare Fund, Central States, Southeast and Southwest Areas Pension Fund, Howard McDougall by Rebecca Kate McMahon. (gmr,) (Entered: 01/11/2008)
01/10/2008	4	ATTORNEY Appearance for Plaintiffs Central States, Southeast and Southwest Areas Health and Welfare Fund, Central States, Southeast and Southwest Areas Pension Fund, Howard McDougall by Albert M. Madden. (gmr,) (Entered: 01/11/2008)
01/10/2008	5	ATTORNEY Appearance for Plaintiffs Central States, Southeast and Southwest Areas Health and Welfare Fund, Central States, Southeast and Southwest Areas Pension Fund, Howard McDougall by Anthony E. Napoli. (gmr,) (Entered: 01/11/2008)
01/10/2008	6	ATTORNEY Appearance for Plaintiffs Central States, Southeast and Southwest Areas Health and Welfare Fund, Central States, Southeast and Southwest Areas Pension Fund, Howard McDougall by Timothy Craig Reuter. (gmr,) (Entered: 01/11/2008)
01/10/2008	7	(Court only) RECEIPT regarding payment of filing fee paid on 1/10/2008 in the amount of \$350.00, receipt number 2453387. (gmr,) (Entered: 01/11/2008)
01/10/2008	8	SUMMONS Issued as to Defendant Active Transportation Company, LLC. (gmr,) (Entered: 01/11/2008)
01/14/2008	9	MOTION by Plaintiffs Central States, Southeast and Southwest Areas Health and Welfare Fund, Central States, Southeast and Southwest Areas Pension Fund, Howard McDougall for preliminary injunction (Attachments: # <u>1</u> Memorandum# <u>2</u> Exhibit A# <u>3</u> Exhibit 1# <u>4</u> Exhibit 2# <u>5</u> Exhibit B# <u>6</u> Exhibit C# <u>7</u> Exhibit D# <u>8</u>)

		Exhibit E# <u>9</u> Exhibit F# <u>10</u> Exhibit G# <u>11</u> Exhibit H# <u>12</u> Exhibit I)(McMahon, Rebecca) (Entered: 01/14/2008)
01/14/2008	<u>10</u>	NOTICE of Motion by Rebecca Kate McMahon for presentment of motion for preliminary injunction, <u>9</u> before Honorable John W. Darrah on 1/15/2008 at 10:00 AM. (McMahon, Rebecca) (Entered: 01/14/2008)
01/15/2008	<u>11</u>	ATTORNEY Appearance for Defendant Active Transportation Company, LLC by Ronald J. Kramer (Kramer, Ronald) (Entered: 01/15/2008)
01/15/2008	<u>12</u>	ATTORNEY Appearance for Defendant Active Transportation Company, LLC by Mark A. Casciari (Casciari, Mark) (Entered: 01/15/2008)
01/16/2008	<u>13</u>	MINUTE entry before Judge John W. Darrah :Plaintiff's motion for a preliminary injunction <u>9</u> is entered and briefed as follows: response by 1/28/08, reply by 2/4/08. Status hearing set for 2/20/08 at 9:30 a.m. Mailed notice(maf,) (Entered: 01/16/2008)
01/28/2008	<u>14</u>	SUMMONS Returned Executed by Central States, Southeast and Southwest Areas Health and Welfare Fund, Central States, Southeast and Southwest Areas Pension Fund, Howard McDougall as to Active Transportation Company, LLC on 1/11/2008, answer due 1/31/2008. (McMahon, Rebecca) (Entered: 01/28/2008)
01/28/2008	<u>15</u>	MEMORANDUM by Active Transportation Company, LLC in Opposition to motion for preliminary injunction, <u>9</u> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D)(Casciari, Mark) (Entered: 01/28/2008)
01/31/2008	<u>16</u>	ATTORNEY Appearance for Defendant Active Transportation Company, LLC by Meagan Christene Legear (Legear, Meagan) (Entered: 01/31/2008)
01/31/2008	<u>17</u>	MOTION by Defendant Active Transportation Company, LLC for extension of time <i>to answer or otherwise respond</i> (Legear, Meagan) (Entered: 01/31/2008)
01/31/2008	<u>18</u>	NOTICE of Motion by Meagan Christene Legear for presentment of extension of time <u>17</u> before Honorable John W. Darrah on 2/7/2008 at 09:00 AM. (Legear, Meagan) (Entered: 01/31/2008)
02/04/2008	<u>19</u>	REPLY by Central States, Southeast and Southwest Areas Health and Welfare Fund, Central States, Southeast and Southwest Areas Pension Fund, Howard McDougall to MOTION by Plaintiffs Central States, Southeast and Southwest Areas Health and Welfare Fund, Central States, Southeast and Southwest Areas Pension Fund, Howard McDougall for preliminary injunction <u>9</u> (Madden, Albert) (Entered: 02/04/2008)
02/06/2008	<u>20</u>	MINUTE entry before Judge John W. Darrah :Defendant's motion for an extension of time to answer or otherwise respond [17, 18] is granted. Defendant has until 2/28/08 to answer or otherwise respond. Mailed notice (gmr,) (Entered: 02/07/2008)
02/20/2008	<u>21</u>	MINUTE entry before Judge John W. Darrah : Status hearing held and continued to 4/24/08 at 9:00 a.m. Mailed notice(maf,) (Entered: 02/20/2008)
02/20/2008	<u>22</u>	MINUTE entry before Judge John W. Darrah :Plaintiffs' motion for preliminary injunction <u>9</u> is granted.Mailed notice (ef,) (Entered: 02/22/2008)

02/28/2008	<u>23</u>	Defendant's ANSWER to Complaint by Active Transportation Company, LLC(Legear, Meagan) (Entered: 02/28/2008)
03/17/2008	<u>24</u>	NOTICE of appeal by Active Transportation Company, LLC regarding orders <u>22</u> . Filing fee \$ 455, receipt number 0752000000002620238. (Casciari, Mark) (Entered: 03/17/2008)
03/18/2008	<u>25</u>	TRANSMITTED to the 7th Circuit the short record on notice of appeal <u>24</u> . Notified counsel (air,) (Entered: 03/18/2008)
03/18/2008	<u>26</u>	NOTICE of Appeal Due letter sent to counsel of record. (air,) (Entered: 03/18/2008)
03/18/2008	<u>27</u>	ACKNOWLEDGEMENT of receipt of short record on appeal regarding notice of appeal <u>24</u> ; USCA Case No. 08-1645 (cdy,) (Entered: 03/19/2008)
03/21/2008	<u>28</u>	SEVENTH CIRCUIT transcript information sheet by Active Transportation Company, LLC (rbf,) (Poor Quality Original – Paper Document On File) Modified on 3/27/2008 (rbf,). (Entered: 03/27/2008)

Key:

All circled items are included in this record
 All / items are not included in the record
 S/C: Items are sent under a separate certificate
 N/A : Items are not available